

REMARKS

In response to the Office Action mailed November 24, 2004 in the above-identified application, Applicants respectfully request reconsideration.

In response to a previous Restriction Requirement mailed October 22, 2002, Applicants elected independent claims 9 and 76 and the claims dependent thereon for further prosecution. Thus, non-elected claims 26-42, 46-49, 52-71, 75 and 82-92 were withdrawn from consideration. Claims 1-8 previously were cancelled.

In this response, withdrawn claims 26-42, 46-49, 52-71, 75 and 82-92 have been cancelled without prejudice or disclaimer. Applicants reserve the right to file of one or more divisional applications under 35 U.S.C. §121 to pursue the non-elected subject matter.

Additionally, in this response, claims 9, 13-25, 43-45, 50, 51, 72-74, and 76-81 have been amended, and claims 10-12 also have been cancelled. New system and apparatus claims 93-108 have been added to accept subject matter deemed allowable by the Examiner, as discussed in greater detail below in Section D. Finally, new method claims 109-132 have been added to closely track the language of the apparatus and system claims presented herein. No new matter is added. In view of the foregoing, it may be readily appreciated that all of the newly added claims are drawn to the subject matter of the elected species.

In sum, upon entry of the present amendments, claims 9, 13-25, 43-45, 50, 51, 72-74, 76-81, and 93-132 will be pending for examination, with claims 9, 76, 93, 99, 109, 116, 121, and 122 being independent claims (four independent system/apparatus claims and four essentially corresponding independent method claims). The application as now presented is believed to be in allowable condition.

A. Drawings

Formal drawings for the present application are filed herewith as replacement sheets for Figs. 1-31.

B. Claim Objections

In item 6 on page 3 of the Office Action, a number of claims were rejected for various informalities. The amendments herein address each of the noted informalities.

C. Claim Rejections under 35 U.S.C. §112

In item 9 on page 4 of the Office Action, claims 19, 77-79 and 81 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Regarding claim 19, “the at least two controllers” has been amended to recite “the controller.”

Regarding claims 77-78, upon review of the application file history, and in connection with the Examiner’s comment in item 6 on page 3 of the Office Action relating to “the power signal input” recited in claim 76 (upon which claims 77-78 depend), Applicants noted that “the external input connection” originally recited in claims 77 and 78 and “the power signal input” originally recited in claim 76 were intended to relate to the same feature. Accordingly, Applicants have amended claims 76, 77 and 78 so as to all consistently recite “an external power signal input connection.”

Regarding claim 81, the term “platform” has been removed from the claim and replaced with another limitation associated with the feature of a “power cycle” as now recited in claim 76 (the amendments to independent claim 76 are discussed below in Section D).

In view of the foregoing, the rejections under 35 U.S.C. §112, second paragraph, should be withdrawn.

D. Allowable Subject Matter

Applicants note with appreciation that in item 14 on page 7 of the Office Action, dependent claims 12, 14-15, 24 and 74 are objected to as being dependent upon a rejected base claim (i.e., claim 9), but would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims.

Accordingly, while not acceding to the propriety of the rejection of any base claim, Applicants have amended independent claim 9 to include all of the limitations of dependent claims 10-12, so to accept this subject matter deemed allowable by the Examiner and thereby expedite prosecution toward allowance. In view of this amendment, claims 10-12 have been cancelled. Thus, claim 9 as now presented is in allowable condition. Claims 13-23, 43-45, 50, 51, and 72-74 depend from claim 9 and are allowable based at least upon their dependency.

With respect to dependent claim 14, it appears that the subject matter deemed allowable by the Examiner relates at least in part to lighting control in response to “a predetermined duration of a user interface signal.” This concept is discussed in Applicants’ specification, for example, at least in paragraph [0105] of the published application US-2003-0206411-A9. In particular, in paragraph [0105], control of an LED-based lighting device is discussed in terms of turning the power to the device off and then back on within a predetermined period of time, also referred to as a “power cycle.” One exemplary circuit implementation of such control includes a capacitor that is used to keep a signal line (e.g., the user interface signal) at a logic high signal level for 10 seconds, and if the power is cycled within this period, a new program for lighting control is selected.

In view of the foregoing, Applicants have amended independent claim 76 herein to include the concept of a “power cycle” that facilitates the control of power delivered to one or more LEDs. Based on the Examiner’s indication of allowable subject matter in dependent claim 14, Applicants respectfully submit that the addition of this power cycle limitation to independent claim 76 places claim 76 in condition for allowance. As discussed above in Section C, claims 77, 78 and 81, which depend from claim 76, have been amended to recite consistent limitations in connection with the power cycle feature and an external power signal input connection. Specifically, dependent claim 81 has been amended to particularly recite that the power cycle includes turning power off and then back on within a predetermined period of time via a user interface, as explicitly supported by paragraph [0105] of Applicants’ published application. Thus, claims 76-81 are believed to be in allowable condition.

1. Newly Added System/Apparatus Claims Based on Allowable Subject Matter

Applicants also have added new independent system claim 93, which essentially is a verbatim combination of claim 9 as pending prior to the amendments herein, in combination with dependent claim 74, which was deemed to recite allowable subject matter. Accordingly, new claim 93 clearly is both directed to the elected subject matter and in condition for allowance. New claims 94-98 depend from claim 93 and closely track the language of selected claims depending from claim 9; hence, claims 94-98 also are directed to elected subject matter and are allowable based at least upon their dependency.

With respect to dependent claim 74, it appears that the subject matter deemed allowable by the Examiner relates to receiving at least one of an electromagnetic transmission, a radio frequency transmission, an infrared transmission, a microwave transmission, etc. These types of transmissions are referred to generally in Applicants' specification as "wireless" transmissions or connections (see, for example, paragraph [0093] of Applicants' published application US-2003-0206411-A9). Accordingly, Applicants also have added new independent apparatus claim 99, which is similar to claim 93 but more generally recites the feature of "at least one lighting control signal received by the apparatus over at least one wireless communication link." Again, since "wireless communication link" clearly refers to the types of transmissions recited in allowable claim 74, claim 99 is both directed to elected subject matter and in condition for allowance. New claims 100-108 depend from claim 99 and closely track the language of selected claims depending from claim 9; hence, claims 100-108 also are directed to elected subject matter and are allowable based at least upon their dependency.

2. Newly Added Method Claims Based on Allowable Subject Matter

New independent method claim 109 closely tracks the language of independent system claim 9 as amended herein, and hence is both directed to elected subject matter and in condition for allowance. New claims 110-115 depend from claim 109 and closely track the language of selected claims depending from claim 9; hence, claims 110-115 also are directed to elected subject matter and are allowable based at least upon their dependency.

New independent method claim 116 closely tracks the language of independent apparatus claim 76 as amended herein, and hence is both directed to elected subject matter and in condition for allowance. New claims 117-120 depend from claim 116 and closely track the language of selected claims depending from claim 9; hence, claims 117-120 also are directed to elected subject matter and are allowable based at least upon their dependency.

New independent method claim 121 closely tracks the language of independent system claim 93, and hence is both directed to elected subject matter and in condition for allowance.

New independent method claim 122 closely tracks the language of independent apparatus claim 99, and hence is both directed to elected subject matter and in condition for allowance. Claims 123-132 depend from claim 122 and closely track the language of selected claims depending from claim 9; hence claims 123-132 also are directed to elected subject matter and are allowable based at least upon their dependency.

E. Claim Rejections

In item 11 on page 4 of the Office Action, claims 9-11, 16-19, 72, 76 and 80-81 were rejected under 35 U.S.C. §102(e) as being anticipated by Chliwnyj et al. (U.S. Patent No. 5,924,784). These rejections are respectfully believed to be rendered moot by the amendments herein.

In item 13 on page 6 of the Office Action, claims 13, 20-23, 25, 43-45, 50-51, 73 and 77-79 were rejected under 35 U.S.C. §103(a) as being obvious over Chliwnyj in view of Post et al. (U.S. Patent No. 5,187,655). Again, these rejections are respectfully believed to be rendered moot by the amendments herein.

F. Information Disclosure Statements

Applicants note with appreciation that the Examiner has already considered a number of Information Disclosure Statements (IDSs) filed thus far in the present application. Applicants respectfully point out, however, that it appears that some IDSs filed by the Applicants (in some cases, up to three years ago) have not yet been considered by the Examiner. According to

Applicants' records, IDSs filed on the following dates have been received by the PTO (as evidenced by return post cards stamped by the PTO) but not yet reviewed and initialed by the Examiner:

- February 14, 2002
- March 19, 2002
- October 23, 2003
- December 10, 2004
- January 25, 2005
- March 29, 2005

Applicants respectfully request the Examiner to review these IDSs and the references cited on the Form PTO-1449 attached to each of these IDSs, and return initialed copies of the Forms PTO-1449 to the Applicant, indicating review of the cited references. If the Examiner requires additional copies of these IDSs, the Examiner is encouraged to contact the undersigned representatives at the telephone number indicated below to request these copies.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.


If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 06-1448.

Respectfully submitted,

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